

ESTTA Tracking number: **ESTTA128260**

Filing date: **03/06/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Elie Tahari
Granted to Date of previous extension	04/01/2007
Address	11 West 42nd Street New York, NY 10036 UNITED STATES
Party who filed Extension of time to oppose	ElieTahari
Relationship to party who filed Extension of time to oppose	The opposer's name has been changed to correct a typographical error made by Opposer's former counsel. The correct spelling of Opposer's name is Elie Tahari.

Attorney information	Bret J. Danow Katten Muchin Rosenman LLP 575 Madison Avenue New York, NY 10022 UNITED STATES bret.danow@kattenlaw.com Phone:2129408800
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Applicant Information

Application No	78813893	Publication date	10/03/2006
Opposition Filing Date	03/06/2007	Opposition Period Ends	04/01/2007
Applicant	PraJah Enterprises, Inc. 1918 Kemp Road Marietta, GA 30066 UNITED STATES		

Goods/Services Affected by Opposition

Class 025. All goods and sevicees in the class are opposed, namely: socks, underwear, t-shirts, shirts, pants, track suits, headband, wristband, tank-tops, hats

Attachments	TAFARI.pdf (2 pages)(15282 bytes)
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Signature	/s/
Name	Bret J. Danow

Date	03/06/2007
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In the matter of U.S. Trademark Application Serial No. 78/813,393 for the mark TAFARI HEALTH & FITNESS CLUB, filed February 14, 2006 for use in connection with “socks, underwear, t-shirts, pants, track suits, headband, wristband, tank-tops, hats” by PraJah Enterprises, Inc. (“Applicant”) and published in the United States Patent and Trademark Office on October 3, 2006, Elie Tahari (“Opposer”), an individual, having a mailing address of 16 Bleeker Street, Milburn, New Jersey 07041, believes that it will be damaged by registration of this mark and hereby opposes the same.

As grounds for the opposition, it is alleged that:

1. Opposer is a world renowned designer, manufacturer, licensor and retailer of wearing apparel and accessories sold under his federally and internationally registered ELIE TAHARI and TAHARI names and marks, and his company, Elie Tahari, Ltd., has a presence on five continents and in more than six hundred U.S. stores.

2. Since as early as 1978, Opposer has used his ELIE TAHARI and TAHARI business and trade names, service marks and trademarks for, on and in connection with his business of designing, manufacturing and selling wearing apparel and accessories. Opposer advertises and promotes his ELIE TAHARI and TAHARI products extensively through many forms of media, including, but not limited to, advertisements in nationally and internationally circulated publications, in printed and electronic catalogs, at trade shows throughout the world, and on the internet at his www.elietahari.com and www.tahari.com web sites.

3. Opposer has expended considerable resources towards establishing and protecting his valuable marks, and owns, among others, the following federally registered trademarks (collectively, the “TAHARI Family of Marks”):

- U.S. Trademark Registration No. 1,489,405 for the mark TAHARI, issued May 24, 1988 for “women’s high fashion designer blouses, skirts and suits, in International Class 025”, and reciting a date of first use of June 7, 1978.
- U.S. Trademark Registration No. 1,814,977 for the mark TAHARI, issued January 4, 1994 for “women’s high fashion designer blouses, skirts and suits; jackets, skirts, pants, dresses, suits, sweaters, jumpsuits, blouses, shirts, coats, vests, bustiers, belts, raincoats, jeans, bodysuits and t-shirts, in International Class 025”, and reciting a date of first use of June 7, 1978.
- U.S. Trademark Registration No. 2,653,216 for the mark ELIE TAHARI, issued November 26, 2002 for “apparel, namely women’s high fashion design blouses, skirts and suits; jackets, skirts, pants, dresses, suits, sweaters, jumpsuits, blouses, shirts, coats, vests, bustiers, belts, raincoats, jeans, bodysuits and t-shirts; lingerie, overcoats and children’s clothing, namely dresses, skirts, blouses, jackets, pants, shirts, blazers, pullovers, cardigans, overalls and socks, in International Class 025”, and reciting a date of first use of February 1, 2000.
- U.S. Trademark Registration No. 3,091,292 for the mark STUDIO TAHARI, issued May 9, 2006 for “apparel, namely women’s high fashion design blouses, skirts and suits; women’s jackets, skirts, pants, dresses, suits, sweaters, jumpsuits, blouses,

shirts, socks, leggings, capri pants, coats, vests, bustiers, belts, raincoats, jeans, bodysuits and t-shirts; lingerie, over-coats; and children's clothing, namely dresses, skirts, blouses, jackets, pants, shirts, blazers, pullovers, cardigans, overalls and socks, in International Class 025", and reciting a date of first use of February 1, 2006.

4. Opposer's TAHARI Family of Marks are valid and subsisting, in full force and effect, and are conclusive evidence of Opposer's right to use said mark in commerce on and in connection with the goods specified in said registrations.

5. On February 14, 2006, long after the adoption and use by Opposer of the TAHARI Family of Marks, Applicant filed an application seeking to register the mark TAFARI HEALTH & FITNESS CLUB for use on and in connection with "socks, underwear, t-shirts, shirts, pants, track suits, headband, wristband, tank-tops, hats, in International Class 025", which disclaims the phrase "Health & Fitness Club" (the "TAFARI Mark").

6. Applicant's goods to be distributed under the TAFARI Mark would be so closely related to the goods provided by Opposer under its TAHARI Family of Marks as to be likely to cause confusion, mistake, or deception in the minds of the purchasing public as to the source or origin of Applicant's goods, in view of Opposer's long prior use of its TAHARI Family of Marks and the well developed secondary meaning therein.

7. Opposer will be damaged by the confusion which will result in the marketplace if the Applicant is permitted to register the TAFARI Mark for the specified goods and therefore, Opposer is likely to suffer damage and/or injury to its reputation and goodwill as a result thereof.

WHEREFORE, Opposer respectfully requests that the mark shown in U.S. Trademark Application Serial No. 78/813,893 be refused registration and that this Opposition be sustained.